



Town of Vienna

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

Meeting Minutes Town Council Meeting

Monday, June 17, 2019

8:00 PM

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

Regular Meeting

Invocation: Mr. Mercury Payton, Town Manager

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. [19-1320](#) Approval of the Regular Council Meeting Minutes of May 13, 2019.

It was moved to approve the Regular Council Meeting Minutes of May 13, 2019, 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 are not on the Agenda. (Limited to 5 minutes per issue and no formal action can be taken this evening)

Mr. Jerome Covel, 224 Walnut Lane, addressed Council to discuss the passing of his friend Theodore (Ted) Thomas. Ted was 97 years old when he died. He presented Council with a presentation that Mr. Thomas created on the significance of preserving black town history and black cementary's. He loaned it to the Town Clerk to pass along to Council. Ted was appointed to serve on the Planning Commission in the 1970's. He took the appointment with a great deal of pride and responsibility. When he was appointed to the commission, he was the first and only member to be certified as a Planning Commissioner. Ted loved the Town of Vienna and wanted to serve the community in any way that he could to help improve it. He also served on the Transportation Safety Commission, he was Vice President of the Malcolm Windover Heights Civic Association and was a member of the Dulles Task Force. Ted received the Heritage Preservation Award from Vienna Historic Preservation Society for the preservation of Black History sites in the Town of Vienna which included West End Cemetary, the original First Baptist building on Lawyers Road, the first baptismal pond near the intersection of Nutley and Courthouse Road and the first Baptist Church Sons and Daughters cemetary on Orchard St. He was also the recipient of the distinguished Lord Fairfax Award for Fairfax County Hunter Mill District and recognition for his volunteer service in the

community. The Town of Vienna has lost a great citizen, statesman, historian, patriot, his mentor and his good friend. He asked Council to consider, at the right time, naming the new Police Station in honor of one of its natives sons, Theodore Ted Thomas.

4. Reports/Presentations

- A. [19-1325](#) Presentation to Councilmember Tara Bloch Honoring Her Years of Service to the Town of Vienna
Mayor DiRocco presented Councilmember Bloch with a plaque in Recognition of Dedicated Service to the Town of Vienna.
- B. [19-1324](#) Presentation to Councilmember Carey Sienicki Honoring Her Years of Service to the Town of Vienna.
Mayor DiRocco presented Councilmember Sienicki with a plaque in Recognition of Dedicated Service to the Town of Vienna.
- C. [19-1312](#) Presentation of *Vienna Stories; 1950-2000*
Ms. Marie Kisner, former Public Information Officer for the Town of Vienna, presented her book called Vienna Stories 1950-2000.
- D. [19-1321](#) Proclamation for the 50th Anniversary of NARFE Chapter 116 (Vienna-Oakton)
Councilmember Bloch presented a Proclamation for the the 50th Anniversary of NARFE Chapter 116 (Vienna-Oakton).
- E. [19-1322](#) Proclamation for the 50th Anniversary of the Vienna Arts Society
Councilmember Sienicki presented a Proclamation for the 50th Anniversary of the Vienna Arts Society.
- F. [19-1323](#) Proclamation for Men's Health Month 2019
Councilmember Springsteen presented a Proclamation for Men's Health Month 2019.
- "I move to approve the Proclamation for Men's Health Month."
Or
Other action deemed necessary by Council.**

A. Report and Inquiries of Council Members

Councilmember Sienick thanked the citizens of Vienna who have given her the privilege to serve in the town in an elected and appointed office. She offered her appreciation to those who encouraged, abided, sustained and inspired her over the years, it has truly been a once in a lifetime opportunity that she will always cherish. First, she said a special thanks to her family, her husband Dave and her children Nicholas and Ashley, who gave her unconditional love, especially serving as her special enthusiasts on the homefront. Also, to her parents and grandparents who taught her the value and importance of doing her best in being there. She could have never done this without them. She has enjoy serving alongside many dedicated Councilmembers over the years as a Councilmember, Commissioner or a Board member, one best serves with the true belief that in all the positive aspects and

attributes that Vienna possesses. We should count ourselves fortunate that many in town share those principals to give freely of themselves with each year of service and new experience, her passion has steadily grown. She stated it has been an honor to serve in the town for over 15 year's and yes it could seem daunting at times but also extremely rewarding most of the time. As she fondly looked back, with great thanks her expectations were exceeded, most especially by the time, talents and treasures that the people in businesses of the town have given in return. Sitting up on the dais for the first time she quickly realized that over 16,500 people and 1,300 businesses and countless visitors rely on the outcomes of the decisions both large and small. Informing through quality of life, conveyance, budgets, land issues and appointments. This great responsibility requires active engagement and to compliment the town's citizens, businesses, boards, commissions and staff. She has witnessed a large amount of diligent work by many to ensure this town functions so well for so many year's. It shown outly by recognition's of best town and inwardly with the intangible feeling that infuse throughout the community. She thanked both Mayor Seeman and DiRocco, the Town Manager, Town Clerk, Town Attorney, Directors, Boards and Commissions, especially, her fellow colleagues who have served on the Planning Commission and the Windover Heights Board of Review, as well as the CSC, BAR, TBLC, BAC, PAC and VPAC. She especially thanked all Town Departments who are responsive to daily citizens and business needs by maintaining a clean, healthy, safe, orderly and running a tip top performance town who all provide a continuous, solid foundation for this town. She continued in thanking many others in town. Her parting suggestion to all is to take a class, ride a bike, walk, go outside of your regular path, you will never know where it might take you and how much you can personally grow and learn. Vienna truly has so much to offer.

Councilmember Noble congratulated the Madison WarHawks Athletics teams who were playing for State Championships a couple weeks ago. They won one of threee for boys lacrosse and came in second for girls lacrosse and soccer. He also recognized the 528 members of Madisons graduating class of 2019 who graduate on June 7th. 188 of them graduated with honors and he is looking forward to see what they all do next.

B. Report of the Town Manager

Mr. Payton stated that on behalf of the town employees and town staff he thanked Councilmember Bloch and Councilmember Sienicki for their support of town employees and town staff. It inspires them to work that much harder, particularly, he pushes the Vienna Way concept of integrity, compassion, respect and professionalism and the way they have both conducted themselves as Councilmembers has reinforced what we are trying to do here with our town staff. He thanked them both very much.

C. Report of the Mayor

Mayor DiRocco thanked Mr. Covell for coming forward and sharing the information on Mr. Ted Thomas and for the presentation.

Mayor DiRocco congratulated Steve Briglia, Town Attorney, for his election to serve on the Fairfax BAR Association seven member Board of Directors.

Mayor DiRocco announced that this coming Friday, June 21st is the town's first Chilllin on Church. She hopes everyone comes out and enjoy's the festivities.

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, June 17, 2019, the Town Council met 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.

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

And it was further moved that the Closed Session be continued to Monday, July 1, 2019 at 7:15 p.m. in accordance with Virginia Code Section 2.2-3711.A.(1), for discussion or consideration of personnel matters, specifically, Council appointments to VML and Local Committees.

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

It was moved that Sarah Couchman be re-appointed to the Planning Commission for a two-year term. Said term shall be retroactively effective from May 11, 2019 through May 11, 2021.

It was further moved that Michael Gelb be re-appointed to the Planning Commission for a two-year term. Said term shall be effective from June 20, 2019 through June 20, 2021.

And it was further moved that Bob Robinson be re-appointed to the Conservation and Sustainability Commission for a two-year term. Said term shall be retroactively effective from June 1, 2019 through June 1, 2021.

And it was further moved that Edward A. Somers be re-appointed to the Transportation Safety Commission for a two-year term. Said term shall be effective from July 1, 2019 through July 1, 2021.

And it was further moved that Julie Hays be appointed to the Planning Commission for a two-year term. Said term shall be effective from June 18, 2019 through June 18, 2021.

And it was further moves that Donna Smith be appointed to the Transportation Safety Commission for a two-year term. Said term shall be effective from June 18, 2019 through June 18, 2021.

And it was further moved that Loginn Kapitan be appointed to the Transportation Safety Commission for a two-year term. Said term shall be effective from June 18, 2019 through June 18, 2021.

And it was further moved that Sally Jean Penna be appointed to the Transportation

Safety Commission for a two-year term. Said term shall be effective from June 18, 2019 through June 18, 2021.

*Motion: Councilmember Bloch
Second: Councilmember Springsteen
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

5. Public Hearings

A. [19-1332](#)

Public Hearing for a Request to Grant a Ten-Year License for use of Public Right-of-Way to Cox Wireless Access, LLC.

Mayor DiRocco called the public hearing to order at 8:49 p.m. The Town Clerk called the roll and all members of Council were present.

Mr. Briglia, Town Attorney explained that this is public hearing to consider a request to grant a 10-year license for the use of the public right-of-way to Cox Wireless Access L.L.C. The nature of this license is whenever any telecommunication provider or other utility provider wants to use the right-of-way under the Virginia Constitution they must apply to the locality and such access can only be granted at a public hearing to the extent it is more than five years then it has to be by public hearing. Over the years, especially, since the 1996 Telecommunication's Act, the town has granted a number of license agreements for pass-thru's as well as franchise for telecommunication providers. Most, if not all of the newer ones, are underground except for they are permitted to be above ground to co-locate as part of a franchise agreement such as Verizon or Dominion Power. Two years ago the General Assembly passed Legislation to enable wireless telecommunication providers to locate antennas in right-of-ways under certain conditions and localities kind of scrambled to come up with a methodology of doing so. What the town did was basically adopted our traditional licensing procedures and also incorporated the state mandated requirements for the fees and the waiver of street cuts. A lot of this is done administratively but the first stage is getting the license and then the town incorporates exhibits to the license that the application permits. Approximately two years ago the town granted a very similar license to Mobility LLC for the co-location of telecommunication antennas on existing utility and light poles. The license agreement does not permit for adding height to any existing poles so it is basically a co-location license for existing poles in the public right-of-way.

Mr. Kevin McNulty with Cox Communications asked for Council's approval and is happy to answer any questions.

Mayor DiRocco stated that there has been things about co-location with the General Assembly and asked Mr. Briglia if this was all according to that code and as we have done in the past. Mr. Briglia stated it is and what they stress with the providers, Mobility and now Cox, is that they work with DPW on the co-location facilities and sites to pick ideal ones. A lot of this is because wireless is line of site so some locations are better than others. They do there analysis to increase the bandwidth, this is part of the 5G implementation project.

Councilmember Sienicki asked about the \$1,000 fee that is charged and if it is dictated by the state. Mr. Briglia stated the town didn't have a license fee so they looked at the other fees and consulted with the Directors and came up with a fee. Any fee that the town charges has to be sort of related to the amount of time and effort on the review and the application is set by the state. When they come in an make an application for so many antennas they pay that flat fee which is basically a permit fee, the license fee was based on the town's review of other types of applications in the town.

It was moved to close the Public Hearing

Motion: Councilmember Bloch

Second: Councilmember Springsteen

Carried Unanimously

It was further moves to approve the proposed Cox Wireless Access, LLC request for a 10-year license to use public right-of-way and direct the Town Clerk to advertise an intent to grant the proposed license.

Motion: Councilmember Bloch

Second: Councilmember Colbert

Carried Unanimously

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

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

A. [19-1317](#)

Consideration of 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

Consideration of a request for a related modification of requirements.

It was moved to approve rezoning of the subject property located at 374-380 Maple Avenue W from the C-1 Local Commercial and RS-16 Single-Family Detached Residential zoning districts to the Maple Avenue Commercial (MAC) zoning district.

And

It was further moved to approve the requested modification of requirements for encroachment of an awning fronting Maple Avenue in conjunction with the rezoning application.

A motion was made that the Action Item be approved. The motion carried by the following vote:

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

Nay: 2 - Council Member Majdi and Council Member Springsteen

- B.** [19-1316](#) Consideration of rezoning of 100-112 Maple Avenue E from C-2 general commercial zone and C-1A special commercial zone to Maple Avenue Commercial (MAC) zone for Sunrise Assisted Living

AND

Consideration of a request for a related modification of requirements.

It was moved to approve the requested rezoning of the subject property located at 100-112 Maple Avenue E from the C-2 general commercial zone and C-1A special commercial zone to the Maple Avenue Commercial (MAC) zoning district.

And

It was further moved to approve the requested modification of requirements for a 15-foot wide loading space in conjunction with the rezoning application.

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

Aye: 3 - Council Member Bloch, Council Member Colbert and Council Member Sienicki

Nay: 4 - Council Member Majdi, Council Member Noble, Council Member Springsteen and Mayor DiRocco

- C.** [19-1307](#) Request approval of Transportation Safety Commission recommended Bike Corral along Church Street.

It was moved to approve the relocation of the bike corral from it's existing location to a location in front of what is known as Rita's Ice.

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: 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

- D.** [19-1314](#) Letter of agreement with Fairfax County regarding sewer debt

It was moved to approve a letter of agreement with Fairfax County regarding interest payments on the Town of Vienna's share of County sewer debt through June 30, 2020 and authorize the Town Manager to sign.

A motion was made by Council Member Springsteen, seconded by Council Member Sienicki, 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.** [19-1246](#) Update Town Code Chapter 10, Miscellaneous, Article 3 - Offenses Against Property, Section 10-22, Petit larceny, and Section 10-7, Concealment, to conform with updated Virginia statutory value threshold for petit larceny (misdemeanor) offenses

It was moved to approve the proposed amendments to Chapter 10 of the Town Code related to updating the threshold value limits for misdemeanor larceny offenses; and it was further moved to direct the Town Clerk to advertise a Notice of Intent to Adopt

the proposed amendments at the June 17, 2019, Town Council meeting.

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:

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

Absent: 1 - Council Member Majdi

- F. [19-1331](#)** Route 243/ Route 123 Traffic Signal Upgrades - Request to award contract for traffic signal replacements

It was moved to award a contract for \$118,888 to Whitman, Requardt, and Associates for Routes 123 and 243 traffic signal replacements.

A motion was made by Council Member Noble, 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

- G. [19-1305](#)** Request approval for purchase of a Bobcat All-Wheel Steer Loader

It was moved to approve the proposed expenditure of funds in the amount of \$64,948.76 for a Bobcat All-Wheel Steer Loader.

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

- H. [19-1306](#)** Request approval for repair of HVAC system at Town Hall

It was moved to approve expenditure of funds in the amount of \$58,255, to be reimbursed, except for a \$500 deductible, by VML, to repair the HVAC system at Town Hall.

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

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

- I. [19-1310](#)** Award design contract to Wood Environment & Infrastructure Solutions for Hunters Branch Phase II stream restoration project

It was moved to award a \$377,654 engineering design contract to Wood Environment & Infrastructure Solutions for the Hunters Branch Phase II stream restoration project.

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

- J. [19-1311](#)** Request vacation of abandoned sanitary sewer easement on 102 Sharon Lane NW

It was moved to approve vacation of the sanitary sewer easement at 102 Sharon Lane NW and authorize the Mayor to execute the deed of vacation.

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

K. [19-1313](#)

Request approval for spending \$50,000 with Ross Tree Expert Company, dba RTEC Treecare, for tree maintenance and removal.

It was moved to approve FY20 expenditures not to exceed \$50,000 with Ross Tree Expert Company, dba RTEC Treecare, for tree maintenance and removal.

A motion was made by Council Member Noble, seconded by Council Member Bloch, that the Action Item be approved. The motion failed 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 move to adjourn the meeting at 11:05 p.m.

A motion was made by Council Member Bloch, seconded by Council Member Sienicki, that the be adjourned. The motion carried by a unanimous vote.

Aye: 7 - Council Member Bloch, Council Member Colbert, Council Member Majdi, Council Member Noble, Council Member Sienicki, 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.